

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
BRIAN PUGH
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 (702) 388-6261/Fax
Brian_Pugh@fd.org
6

7 Attorney for Jason Sherbino

8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JASON SHERBINO,

15 Defendant.

Case No. 2:16-cr-226-APG-CWH

UNOPPOSED MOTION TO
CONDUCT A PRE-PLEA PRE-
SENTENCE INVESTIGATION
REPORT AND

ORDER

16
17 The defendant, JASON SHERBINO, by and through his attorney of record, Brian Pugh,
18 Assistant Federal Public Defender, files this Unopposed Motion to Conduct a Pre-Plea Pre-
19 Sentence Investigation Report on Jason Sherbino.

20 On July 26, 2016, Mr. Sherbino was charged by indictment with Conspiracy to
21 Distribute a Controlled Substance in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii), and
22 846, and five counts of Distribution of a Controlled Substance in violation of 21 U.S.C. §§
23 841(a)(1), (b)(1)(A)(viii), (b)(1)(B)(viii), and (b)(1)(C).

24 The parties are attempting to negotiate this case. The parties believe that they may be
25 able to resolve this case short of trial. The parties are uncertain regarding the implications of
26 Mr. Sherbino's criminal history on his potential sentencing guideline calculation. Mr.

1 Sherbino's criminal history calculation and his sentencing guideline range will necessarily
2 affect the outcome and disposition of the case and/or potential negotiations. The parties are
3 unable to definitively determine Mr. Sherbino's sentencing guideline range without knowing
4 his entire criminal history and therefore, a pre-plea pre-sentence investigation report is
5 requested.

6 To satisfy Mr. Sherbino's concerns, and to assure that he has the information he needs
7 to make a truly knowing and intelligent decision as whether to accept or reject a plea offer, he
8 has requested that a pre-plea pre-sentence investigation report be completed. Undersigned
9 counsel has spoken with AUSA Brandon Jaroch and he does not oppose this motion. Trial in
10 this matter is set for September 26, 2016.

11 For the reasons stated above, the parties respectfully request that a pre-plea pre-sentence
12 investigation report be conducted in this matter.

13 DATED this 15th day of August, 2016.

14 Respectfully Submitted,
15 RENE L. VALLADARES
16 Federal Public Defender

17 */s/ Brian Pugh*

18 By: _____

19 BRIAN PUGH
20 Assistant Federal Public Defender
21
22
23
24
25
26

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON SHERBINO,

Defendant.

Case No.: 2:16-cr-226-APG-CWH

ORDER

The reasons being sound, the parties being in agreement and the best interests of justice and judicial economy being served:

IT IS HEREBY ORDERED that the Probation Department prepare a pre-plea presentence investigation report for JASON SHERBINO within 60 days of entry of this Order.

Dated: August 16, 2016.


UNITED STATES DISTRICT JUDGE